UNITED STATES PATENT AND TRADEMARK OFFICE

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
PITT, BRYAN W

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com

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DETAILED RESPONSE

Response to Arguments

1.   Applicant's arguments filed 12 May 2010 have been fully considered but they are not persuasive. Applicant argues that Lahtinen fails to disclose all the elements of amended claim 31 because "Lahtinen does not disclose the step of determining ongoing paging transactions nor does it disclose using two distinct paging related events for incrementing and for decrementing the number of ongoing paging transactions in at least one counter" (see page 7 of Applicant's Amendment filed 12 may 2010). Additionally, the Applicant argues that Lahtinen fails to disclose all the elements of amended claim 33 because "Lahtinen does not disclose a control node having at least one counter indicative of the number of ongoing transactions, the at least one counter being incremented when a paging request is accepted for processing by the control node and being decremented when a paging response has been returned by the mobile station" (see page 9 of Applicant's Amendment filed 12 may 2010).   The Examiner respectfully disagrees and asserts that these claim elements are taught by Lahtinen for the following reasons:

First, the Examiner notes that the language of claim 31 does not specifically recite a step of "determining ongoing paging transactions" nor does it recite a step of "using two distinct paging related events for incrementing and for decrementing the number of ongoing paging transactions in at least one counter".   Although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, even if the language of claim 31 is read to imply a step of "determining ongoing paging transactions", this limitation is taught by Lahtinen. The invention of Lahtinen is directed to a method and arrangement for limiting the paging load of a mobile communications system (see abstract, Col. 1 lines 6-9). Lahtinen prevents overload by limiting the number of calls initiated during a given time interval by recognizing requests for new call initiation and tracks the number of ongoing call initiations (see Col. 2 lines 12-45). It is well known in the art of mobile communications that initiating new calls involves paging; for example, a mobile station receiving an incoming is paged so that the call can be setup in the cell where the mobile station resides (see also Lahtinen Col 1 lines 52 to Col. 3 line 9). Therefore one skilled in the art would recognize that Lahtinen teaches determining ongoing paging transactions.

Third, even if the language of claim 31 is read to imply a step of "using two distinct paging related events for incrementing and for decrementing the number of ongoing paging transactions in at least one counter", this limitation is also taught by Lahtinen. The invention of Lahtinen prevents paging overload by incrementing a call counter when a call is initiated and decrements the call counter upon expiration of a call-specific timer initiated when a new call was initiated (see Col. 2 lines 34-45). Therefore two distinct paging-related events occur: call initiation and timer expiration.

Fourth, the invention of Lahtinen teaches incrementing a counter when a paging request is accepted for processing by the control node and decrementing the counter

when a paging response has been returned by the mobile station.   Lahtinen teaches prevents paging overload by incrementing a call counter when a call is initiated and decrements the call counter upon expiration of a call-specific timer initiated when a new call was initiated (see Col. 2 lines 34-45). The call counter is incremented when a request to initiate a new call is received and the maximum allowed number of calls has not been reached, therefore the request is accepted. The call counter is decremented when a call-specific timer that was initiated when the new call was initiated expires (see Col. 4 lines 17-34). The time interval is set to prevent paging overload; one skilled in the art would recognize that the time interval corresponds to the time required to complete a paging transaction, such that after the expiration of the timer the paging resource has been released (i.e. a response has been returned) (see Col. 3 lines 25-39, Col. 4 lines 17-46). Therefore one skilled in the art would also recognize that the expiration of the timer corresponds to a paging response being returned by the mobile station.

Lastly, the Examiner respectfully asserts that the Applicant mischaracterizes Lahtinen in equating the multiple call timers to the call counter. The Examiner notes that the counter which counts the number of calls initiated in the mobile system is distinct from the multiple call-specific call timers that measure the time lapsed from the initiation of each call (see Col 3 line 49 to Col 3 line 2 and Col. 3 lines 35-46). Thus while the call timers are not equivalent to a paging transaction counter, the call counter, which counts the number of calls initiated in the mobile system, **is** equivalent to a paging transaction counter.

For the above reasons, the Applicant's arguments are not persuasive.

Claim Rejections

For the purpose of appeal, claims 31-32 will be rejected under 35 USC 102(b) as being anticipated by US 6,275,708 to Lahtinen. Claims 33 and 40-44 will be rejected under 35 USC 103(a) as being unpatentable over Lahtinen. Claims 24, 34, and 36-37 will be rejected under 35 USC 103(a) as being unpatentable over Lahtinen in view of GB 2350918 to Joensuu and US 2002/0171581 to Sheynblat. Claims 25-28 and 35 will be rejected under 35 USC 103(a) as being unpatentable over Lahtinen, Joensuu, and Sheynblat and further in view of US 2006/0128395 to Muhonen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Pitt whose telephone number is (571) 270-7466. The examiner can normally be reached on Monday - Friday 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/B. P./

Examiner, Art Unit 2617